IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3885 OF 2005

Smt.Nirabai Kisan Mhatre. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri S.V.Gawand for the Applicant.

Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 11th July, 2005.

P.C.:

1. F.I.R.has been lodged against the Applicant by her daughter-in-law alleging offence punishable under sections 307, 498-A 506(A) and 34 of the Indian Penal Code.

2. This Application under section 438 of the Code of Criminal Procedure, 1973, is filed mainly on the ground that there is a long unexplained delay in filing the F.I.R. The submission made by the learned Counsel for the Applicant is that even after the daughter-in-law was discharged from the Hospital she had more than sufficient time to lodge the F.I.R. and there is no explanation why the F.I.R. was not lodged. Therefore, the learned Counsel submitted that this is an obvious attempt to victimise the Application who is a woman.

3. The learned A.P.P. submitted that considering the

serious nature of the allegations custodial interrogation of the Applicant is required. I have considered rival submissions. The allegation of the prosecution is that the Applicant and her son took the Complainant to the second floor of their house and pushed her down from the second floor. As a result both the legs of the complainant were fractured and there were injuries on the face of the Complainant. The Complainant was required to undergo surgery and a long hospitalisation.

4. Considering the gravity of the allegations against the Applicant and considering the nature of offence alleged no case is made out for grant of bail.

5. At this stage the learned Counsel appearing for the Applicant submitted that time of two weeks be granted to the Applicant to surrender before the appropriate Court. He submitted that the Applicant is required to look after her grand children.

6. The Application is rejected. However, the Applicant is granted two weeks time to surrender before the appropriate Court.

Judge.